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| <b>APPLICATION NO</b>                     | <b>PA/2009/1253</b>   |
| <b>APPLICANT</b>                          | Telefonica O2 UK Limited  |
| <b>DEVELOPMENT</b>                        | Application for determination concerning the prior notification for the erection of a 15 metre high column and equipment cabinets   |
| <b>LOCATION</b>                           | Grass verge outside The Dolphin Inn, Messingham Road, Bottesford  |
| <b>PARISH</b>                             | <b>BOTTESFORD</b>   |
| <b>WARD</b>                               | Bottesford  |
| <b>SUMMARY RECOMMENDATION</b>             | <b>Grant prior approval</b>   |
| <b>REASONS FOR REFERENCE TO COMMITTEE</b> | Member 'call in' (Councillor Swift – significant public interest; Councillor Bromby – road safety and visual impact)  |
| <b>POLICIES</b>                           | <p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> No specific policies apply.</p> <p><b>North Lincolnshire Local Plan:</b> Policy DS19 (Telecommunications Equipment) states that when considering planning applications for telecommunications equipment consideration will be given to:</p> <ul style="list-style-type: none"> <li>(i) the siting, design and visual impact of the equipment;</li> <li>(ii) the impact upon the character or setting of any listed building, conservation area or site of archaeological importance, the open countryside, or the amenities of a residential area;</li> <li>(iii) whether the operator has explored the possibility of erecting antennas on existing buildings, other structures or mast sites;</li> <li>(iv) whether the operator has explored the possibility of sharing an existing mast or replacing it with one suitable for shared use;</li> <li>(v) securing the removal of any telecommunications apparatus that is no longer required for its original purpose and the restoration of the site.</li> </ul> |

**Planning Policy Guidance Note 8 (PPG8) – Telecommunications:** This document states that it is the Government's policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government's aim of telecommunications policies is to ensure that people have a choice as to who provides their telecommunication service, a wide range of services from which to choose and equal access to the latest technologies as they become available. PPG8 encourages local planning authorities to encourage development of telecommunications installations in the context of urban and rural locations unless material considerations determine otherwise.

PPG8 also outlines the Government's firm view on the issue of health and perceived health risks in paragraph 98 of PPG8: 'It is the Government's view that the planning system is not the place for determining the health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile base station meets the ICNIRP guidelines for public exposure it should not be necessary for local planning authorities, in processing an application for planning permission or prior approval, to consider the health aspects and concerns about them.'

**CONSULTATIONS**

**Highways:** No objections.

**PARISH COUNCIL**

Object to the proposal on the grounds that it is situated close to two nearby infant schools and the visual impact that the proposed development would have on what is an already crowded junction.

**PUBLICITY**

Neighbouring properties have been notified and a site notice posted. 23 letters of objection have been received in relation to the application, two of which are from the local schools. Objections are raised on the following grounds:

- (i) detrimental impact on visual amenity
- (ii) impact on road safety
- (iii) possible health effects

**ASSESSMENT**

Prior approval is sought for the installation of a 15 metre high monopole and associated equipment cabinets located next to The Dolphin Inn, Messingham Road, Bottesford. The proposed monopole will involve the

sharing of O2 and Vodafone equipment and is expected to provide a much improved 3G service to the Bottesford/Yaddlethorpe area.

**The main issues to consider in the determination of this application are whether or not the proposed mast would have a detrimental impact on the visual amenity of the area or road safety.**

This application is for prior approval of the siting of a telecommunications mast. It is not a planning application as the developer already has permission under the terms of Part 24 of the General Permitted Development Order to carry out the development, unless the local planning authority has any concerns about the design and siting of the proposal, in which case it has 56 days to respond and request a revised proposal.

It should be pointed out that although health can be a material consideration, Government guidance in PPG8 (Telecommunications) is quite clear in stating that the planning system is not the correct system to determine whether a telecommunications proposal is safe or otherwise. Paragraph 97 of PPG8 states that *'Health considerations and public concern can, in principle, be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.'*

However paragraph 98 of PPG8 goes further to state *'However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.'*

There are numerous legal instances where local planning authorities have refused/objected to applications on health grounds and these have been overturned at appeal and occasionally costs have been awarded against local councils. It should be noted that a valid ICNIRP certificate has been provided for the development therefore health considerations should not be considered

further – in accordance with PPG8, to give health concerns any consideration would be against national planning guidance.

The proposed mast will be housing equipment from two mobile operators (O2 and Vodafone), essentially being a site share, which is in line with existing Government policy and local plan policy DS19.

Turning to the concerns raised in relation to road safety, consultation with the Highways department has raised no concerns in relation to road safety and any possible negative impacts that the proposed mast would have in this location. Highways have not issued any objections or conditions and therefore it is considered that there are no valid reasons to sustain an objection on the grounds of road/highway safety.

Finally, with regard to the visual amenity of the area, it would be sited adjacent to a relatively busy junction with mature trees and the highway infrastructure to support a traffic-light controlled junction. The existing infrastructure, in the shape of the traffic lights and pedestrian crossing, mean that there is already a considerable amount of visual 'clutter' in the immediate vicinity of the site. The 'clutter' in effect would help the proposed mast blend into the surroundings with the mast only being slightly higher than the existing streetlighting columns. It is also considered that the existing mature trees will further help screen the mast from view. Therefore, there are no valid reasons to sustain an objection on the grounds that the proposed mast would be detrimental to the visual amenity of the area.

In conclusion, it is considered that on balance the proposed mast, taking into consideration the concerns raised with regard to visual amenity and road safety, would not be detrimental to the quality of the area. Furthermore, with the site being a site share proposal, it is considered that it complies with both national policy in the guise of PPG8 and policy DS19 of the North Lincolnshire Local Plan.

As this is a prior notification proposal and not a planning application, the local planning authority **MUST** issue a decision before the expiry date of 21 December 2009 otherwise the proposal will be deemed to be approved.

**RECOMMENDATION Grant prior approval.**



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2009



**Highways and Planning Service**

Service Director,  
G Popple

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